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December 13, 2022

BY ECF

Honorable Cathy Seibel
United States District Judge
Southern District of New York
300 Quarropas St.
White Plains, NY 10601

Schedule approved. Defense brief due March 13, 2023; Government response due June 12, 2023; Defense reply due June 23, 2023.

SO ORDERED.

**Re: *United States v. Jose Rivera*, 12 Cr. 169 (CS)
Jose Rivera v. United States, 16 Cv. 4983 (CS)**


CATHY SEIBEL, U.S.D.J.

12/13/22

Dear Judge Seibel,

We write to provide an update regarding Mr. Rivera's pending motion under 28 U.S.C. § 2255 based on *Johnson v. United States*, 135 S. Ct. 2551 (2015). His motion was previously stayed pending the Supreme Court's decision in *United States v. Taylor*, No. 20-1459, 2021 WL 2742792, at *1 (U.S. July 2, 2021). After *Taylor* was decided, the parties asked for additional time to consider our positions, based on a case that was then-pending before the Second Circuit, *United States v. Savoca*, 20-1502. See Dkt. Nos. 46, 49.¹ On November 29, 2022, the Circuit granted Mr. Savoca's petition for rehearing and remanded to the District Court. As such, the parties are now prepared to set a briefing schedule for Mr. Rivera's petition.

We respectfully propose the following schedule: Defense brief due March 13, Government response to June 12, Defense reply due June 23.

Thank you for your consideration.

Respectfully submitted,
/s/

Sylvie Levine
Rachel Martin
Ben Gold
Federal Defenders of New York

cc: Assistant United States Attorney Ryan Allison

¹ The docket citations correspond to the criminal case number, 12 Cr. 169 (CS).